

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

GOLDSMITH ASSOCIATES, INC.,
Plaintiff,

v.

DEL FRISCO's OF PHILADELPHIA,
INC., DEL FRISCO's RESTAURANT
GROUP, LLC, LONE STAR
STEAKHOUSE AND SALOON, INC.,
CHEST-PAC ASSOCIATES, L.P., and
GRASSO HOLDING ACQUISITIONS,
INC.

Defendants.

:
:
:
:
:
:
:
:
:
:

CIVIL ACTION

NO. 09 - 1359

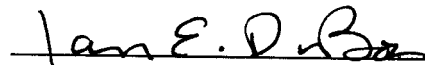
ORDER

AND NOW, this 1st day of October, 2009, upon consideration of Defendants' Del-Frisco's of Philadelphia, Inc., Del Frisco's Restaurant Group, LLC, and Lone Star Steakhouse and Saloon, Inc.'s Motion to Dismiss Counts I, II, and V of the First Amended Complaint Pursuant to Rule 12(b)(6) (Document No. 20, filed June 8, 2009); Defendants' Grasso Holdings Acquisitions, Inc. and Chest-Pac Associates, L.P., Motion to Dismiss Counts III, IV and V of Plaintiff's Amended Complaint (Document No. 21, filed June 8, 2009); and related submissions of the parties, for the reasons set forth in the Memorandum dated October 1, 2009, **IT IS ORDERED** that Defendants' Del-Frisco's of Philadelphia, Inc., Del Frisco's Restaurant Group, LLC, and Lone Star Steakhouse and Saloon, Inc.'s Motion to Dismiss Counts I, II, and V of the First Amended Complaint Pursuant to Rule 12(b)(6) (Document No. 20) and Defendants'

Grasso Holdings Acquisitions, Inc. and Chest-Pac Associates, L.P., Motion to Dismiss Counts III, IV and V of Plaintiff's Amended Complaint (Document No. 21) are **GRANTED**.

IT IS FURTHER ORDERED that plaintiff is granted leave to file a second amended complaint consistent with the Memorandum dated October 1, 2009 within twenty days of the entry of the this order, if warranted by the facts.

BY THE COURT:



JAN E. DUBOIS, J.